S T A T E O F N E W Y O R K

6521

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. GIGLIO, HAWLEY, WALKER, KOLB, FINCH, SAYWARD, BACALLES -- Multi-Sponsored by -- M. of A. BALL, BARCLAY, BURLING, CROUCH, ERRIGO, HAYES, McDONOUGH, O'MARA, QUINN, RAIA, THIELE, TOWNSEND -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to the prohibition on unfunded mandates in medical assistance; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The social services law is amended by adding a new section 368-g to read as follows:

S 368-G. PROHIBITION ON UNFUNDED MANDATES. 1. ANY PROVISION OF LAW THAT IS CONTAINED IN OR ENACTED PURSUANT TO THIS TITLE AND DETERMINED IN ACCORDANCE WITH THIS SECTION TO BE AN UNFUNDED MANDATE SHALL CEASE TO BE MANDATORY IN EFFECT AND SHALL BECOME VOLUNTARY IN OPERATION.

2. A PROVISION OF LAW THAT IS CONTAINED IN OR ENACTED PURSUANT TO THIS TITLE WHICH REQUIRES ONE OR MORE COUNTY OR CITY SOCIAL SERVICES DISTRICTS TO EXPEND FUNDS OR TO TAKE ACTIONS REQUIRING THE EXPENDITURE OF FUNDS SHALL BE DEEMED AN UNFUNDED MANDATE IF SUCH PROVISION OF LAW RESULTS IN AN AGGREGATE NET INCREASE IN NECESSARY DIRECT EXPENDITURES BY THE SOCIAL SERVICES DISTRICTS OF THE STATE. ANY SUCH AGGREGATE NET INCREASE IN EXPENDITURES SHALL BE OFFSET BY: (A) MONIES PROVIDED TO THE SOCIAL SERVICES DISTRICTS FOR THE SPECIFIC PURPOSE OF FUNDING SUCH PROVISION OF LAW; AND (B) DECREASES IN EXPENDITURES EXPECTED TO RESULT FROM OTHER PROVISIONS OF LAW ENACTED CONCURRENTLY THEREWITH THAT REPEAL, REDUCE OR MODIFY EXISTING MANDATES ON SOCIAL SERVICES DISTRICTS.

3. FOR PURPOSES OF THIS SECTION, THE TERM "LAW" SHALL MEAN A STATUTE ENACTED BY THE LEGISLATURE, OR EXECUTIVE ORDER ISSUED BY THE GOVERNOR, OR A RULE OR REGULATION PROMULGATED BY A STATE AGENCY, DEPARTMENT, BOARD, BUREAU, OFFICER, AUTHORITY OR COMMISSION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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4. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE FOLLOWING TYPES OF LAWS SHALL NOT BE CONSIDERED UNFUNDED MANDATES:

(A) THOSE NECESSARY TO COMPLY WITH FEDERAL LAW;

(B) THOSE FOR WHICH THE AGGREGATE NET INCREASE IN REQUIRED DIRECT EXPENDITURES BY A SOCIAL SERVICES DISTRICT IS LESS THAN TWENTY THOUSAND DOLLARS;

(C) THOSE THAT HAVE BEEN REQUESTED THROUGH A HOME RULE MESSAGE OR OTHER RESOLUTION OF THE AFFECTED SOCIAL SERVICES DISTRICT, OR WHICH HAVE BEEN ACCEPTED BY THE AFFECTED SOCIAL SERVICES DISTRICT;

(D) THOSE REAPPORTIONING RESPONSIBILITIES BETWEEN OR AMONG SOCIAL SERVICES DISTRICTS;

(E) THOSE ARISING FROM AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS;

(F) THOSE APPLICABLE TO BOTH GOVERNMENT AND NON-GOVERNMENT ENTITIES IN THE SAME OR A SUBSTANTIALLY SIMILAR MANNER; AND

(G) THOSE IN FULL FORCE AND EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, INCLUDING ANY PROVISION OF LAW THAT EXTENDS OR REAUTHORIZES SUCH A LAW.

S 2. This act shall take effect April 1, 2010 and shall expire and be deemed repealed March 31, 2012.